

UNITED STATES SUPREME COURT
SOUTHERN DISTRICT OF NEW YORK

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In the matter of the Application of

SHAMROCK BUILDING SYSTEMS, INC.,

Petitioner,

For an Order pursuant to the Federal
Arbitration Act 9 U.S.C.A. § 1 et seq.,
Confirming an arbitration award

**CIVIL ACTION NO.
07CV3706(LBS)**

ANSWER TO PETITION

-against-

ROSE REALTY CORP. and TEMPEST
REALTY CORP.

Respondents.

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The Respondent's Rose Realty Corp. and Tempest Realty Corp., as and for the
their answer to Respondent's petition, respectfully sets forth the following:

FIRST: Admits the allegations as set forth in paragraphs designated as "1", "2",
"3", "4", "9", "10", "11", "12", "13", "14", "15", "19", "20", "22", "24" and "25" of the
Petition.

SECOND: Denies each and every allegation as set forth in paragraphs designated as
"5" and "6" of the petition, except admits that Respondent's principal, Daniel Moloney
affixed his signature to the purported contract dated September 25, 2003, while Daniel
Moloney was hospitalized and lacked the requisite cognitive ability to enter into any legal
document.

THIRD: Admits the allegations as set forth in paragraph designated as "7" of the Petition as it refers to Article 9.10.4, except affirmatively states that pursuant to 9 U.S.C.A. sections 10(a), 10(b), and 11, said the Arbitration Award should be set aside.

FOURTH: Denies the allegations as set forth in paragraph designated as "9" of the Petition and affirmatively states that neither Respondent directed any additional and/or extra work.

FIFTH: Denies each and every allegation as set forth in paragraph designated as "18" and "23" of the Petition and affirmatively states that the Award stated must be set aside or a rehearing should be ordered, pursuant to 9 U.S.C.A. sections 10(a), 10 (b) and 11.

SIXTH: Admits the allegation as set forth in paragraph designated as "21" of the Petition and affirmatively states that Respondents have filed a cross-petition seeking to vacate and/or modify the Award pursuant to 9 U.S.C.A. sections 10 and 11.

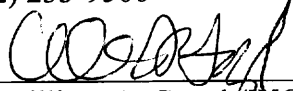
SEVENTH: That based upon the cross-petition of Respondent's Rose Realty Corp. and Tempest Realty Corp., and the affidavit of William A. Gogel, Esq., the Arbitrator's Award should be vacated and/or modified, or in the alternative, a rehearing should be ordered.

WHEREFORE, Respondent's Rose Realty Corp. and Tempest Realty Corp. pray
for an Order denying in all respects the relief sought in the Petition.

Dated: New York, New York

May 30, 2007

Yours, etc.
AGULNICK & GOGEL, LLC
Attorneys for Respondents
321 Broadway, 2nd Floor
New York, New York 10007
(212) 233-9500

By 
William A. Gogel (WG-3271)

TO:
Agovino & Asselta, CLP
Attorneys for Petitioner
170 Old Country Road
Mineola, New York 11501
(516) 248-9880

NOTICE OF ENTRY

PLEASE take notice that the within is a (*certified*) true copy of a duly entered in the office of the clerk of the within named court on

Dated,

Yours, etc.

AGULNICK & GOGEL, LLC

Attorneys for

Office and Post Office Address
321 BROADWAY, 2ND FLOOR
NEW YORK, N.Y. 10007

To

Attorney(s) for

NOTICE OF SETTLEMENT

PLEASE take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on

M.

Dated,

Yours, etc.

AGULNICK & GOGEL, LLC

Attorneys for

Office and Post Office Address
321 BROADWAY, 2ND FLOOR
NEW YORK, N.Y. 10007

To

Attorney(s) for

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Year

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-against-

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REALTY CORP.,

Respondents.

ANSWER TO PETITION

Signature (Rule 130-1.1-a)

Print name beneath William A. Gogel

AGULNICK & GOGEL, LLC

Attorneys for

Office and Post Office Address, Telephone
321 BROADWAY, 2ND FLOOR
NEW YORK, N.Y. 10007
212-233-9500
FAX (212) 693-1666

To

Attorney(s) for

Service of a copy of the within is hereby admitted.
Dated,

Attorney(s) for